

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOMBARDIER INC.,

Plaintiff,

v.

MITSUBISHI AIRCRAFT
CORPORATION, MITSUBISHI
AIRCRAFT CORPORATION AMERICA
INC., et al.,

Defendants.

2:18-cv-1543 JLR

DECLARATION OF HIROYUKI MORINO
IN SUPPORT OF OPPOSITION TO
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION

FILED UNDER SEAL

I, HIROYUKI MORINO, declare as follows:

1. I am a Manager for the Aircraft Integration Department of Defendant Mitsubishi Aircraft Corporation ("MITAC"), which is based in Nagoya, Japan. I am not directly employed by MITAC. I have been seconded from Mitsubishi Heavy Industries, Ltd. ("MHI") to MITAC.

2. I was the initial person at MITAC with responsibility for developing the production flight test profile for the Mitsubishi Regional Jet ("MRJ").

3. I graduated with a master's degree in Aerospace Engineering in 1999. After I graduated, I began working for MHI in its aerospace research and development department. I worked at MHI until 2008, when I began working for MITAC.

DECLARATION OF HIROYUKI MORINO – 1

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1 4. A production flight test profile is a document that details the tests that needs to be
2 successfully performed in order to obtain an airworthiness certificate for each aircraft before it
3 enters into service. An "airworthiness certificate" is different from a "type certificate." Each
4 individual airplane has an airworthiness certificate – essentially a certification that is safe to
5 fly. A "type certificate" applies to all aircraft of that type. The MRJ will have a type certificate
6 and each individual MRJ sold will need to undergo testing in the production flight test profile
7 before it is able to enter into service.
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9 5. In mid-2015, AeroTEC created the first draft of the MRJ production flight test
10 profile. I took over the draft in December 2015, and was the main person working on it for
11 approximately six months. I passed the draft to another MITAC employee, Yuki Utsumi-san,
12 who in late 2018 passed it to Toru Yamahara-san (also a MITAC employee). Throughout this
13 process, MITAC has made changes to the draft in consultation with AeroTEC, and in some
14 cases, customers.
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16 6. The MRJ production flight test profile is still under development. An official
17 version has not been released internally or to the Japan Civil Aviation Bureau.
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19 7. I have not relied on Bombardier documents in connection with my work on the
20 MRJ production flight test profile. I am not aware of anyone on the MITAC team that has used
21 or relied on any Bombardier document in connection with work on the MRJ production flight
22 test profile.
23

24 8. I have never seen a Bombardier production flight test profile. Thus, to my
25 knowledge, I have never seen any of the documents that I understand Bombardier is claiming, in
26 its case against MITAC, to comprise trade secrets related to Bombardier's production flight test
27 profile.
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29 9. I have personal knowledge of all the facts stated in this Declaration and, if called
30 to, could and would testify competently thereto.
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DECLARATION OF HIROYUKI MORINO – 2

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3 I declare under penalty of perjury that the foregoing is true and correct.
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7 Executed this 26th day of April 2019 at Nagoya, Japan.
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10 /s/ H. Morino
11 HIROYUKI MORINO
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DECLARATION OF HIROYUKI MORINO – 3

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 13, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

DATED this 13th day of May, 2019.

s/Jerry A. Riedinger
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